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International Civilian Support Mission in Haiti

Report of the Secretary-General**

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 54/193 of 17 December 1999, in which the General Assembly established the International Civilian Support Mission in Haiti (MICAH) in order to consolidate the results achieved by the Organization of American States (OAS)/United Nations International Civilian Mission in Haiti (MICIVIH), the United Nations Civilian Police Mission in Haiti (MIPONUH) and previous United Nations missions. In paragraph 12 of the same resolution, the General Assembly requested me to submit a report to the General Assembly every four months. The present report covers developments in the mission area since MICAH's inception on 16 March 2000.

II. Political situation and elections

2. Since my report to the Security Council of 25 February 2000 (S/2000/150), Haiti has held parliamentary and local elections meant to resolve the three-year-old political crisis that has been sapping the nation's fragile democratic institutions. Since 1997, Haiti has been functioning without a constitutional government, and since January 1999 without a legislative body. Yet the electoral process, which unfolded in a climate of violence, intimidation and unpredictability, fell short of the desired goal. A dispute over the method used to calculate the Senate results is unresolved, and if it remains so will cast a shadow over the new Government and Parliament.

3. While the first round of elections was originally set for 28 November 1999, the polling was rescheduled three additional times and finally held on 21 May 2000. The delay was due in part to the unexpectedly high number of citizens seeking voter identity cards. There were charges that President Rene Préval, who had refused to issue a decree confirming a previous date on the grounds that he had not been consulted, was procrastinating. The opposition alleged that the President preferred general elections in November 2000 in the belief that this would favour the ruling Fanmi Lavalas party of former President Aristide, and that he also sought to delay the seating of a functioning Parliament.

4. Concern about the repeated postponements was raised by the Group of Friends of the Secretary-General for Haiti and other envoys in several meetings with President Préval and Prime Minister Alexis. I wrote to President Préval on 15 March 2000 to reiterate the Organization's continuing support for the efforts of the Haitian people and Government to consolidate democracy, establish the rule of law and create conditions propitious to socio-economic development. On that occasion, I stated that the prompt holding of free, transparent and credible elections was an essential step in this process.

5. Three days of violent protests against early elections by members of pro-Fanmi Lavalas "popular organizations" in Port-au-Prince from 27 to 29 March 2000 caused additional disquiet. On 8 April 2000, the headquarters of the opposition Espace de Concertation was torched by persons alleged to be Fanmi Lavalas supporters, who also stoned a radio station often critical of the Government. In the aftermath of those disturbances, four Government members nominated by the Espace de Concertation resigned.

6. According to the OAS Electoral Observation Mission (EOM), there were more than 70 acts of violence in the three-month run-up to the May 2000 elections, in which seven party candidates or activists died. On 3 April 2000, Jean Dominique, a leading radio journalist whose reporting and commentary were exceptionally bold and hard-hitting, was shot dead. His murder was seen as a warning to all Haitian journalists, including those identified with the opposition, several of whom were the targets of specific threats or assaults during this period.

7. The election campaign saw little substantive debate about political programmes. Because of security fears, lack of funds for the ever-extending campaign period and continuing doubts whether the elections would actually take place, campaigning by the opposition parties consisted of little more than intermittent radio and TV spots. Fanmi Lavalas waged a more visible campaign, which called for a Parliament that would support Mr. Aristide after his re-election to the presidency. This message was taken up by President Préval, who decried the "divisiveness" of the previous Parliament.

8. In the weeks prior to the elections, an effective security plan for election day was prepared jointly by the Government, electoral and police authorities and

the political parties. But much of the work of the Provisional Electoral Council (CEP) was tardy and disorganized for reasons that appeared to include a shortage of administrators; poor communication with regional electoral offices; a difficult relationship with the Government; and inadequate financial management, including the delayed disbursal of paychecks for CEP employees. Technical assistance by the United Nations Development Programme (UNDP) and the International Foundation for Electoral Systems (IFES) remedied some of the administrative shortcomings. However, CEP's deteriorating relationship with the United States-funded IFES culminated with the expulsion of the local IFES director on 8 May 2000. The loss of IFES assistance was particularly apparent in the inadequate training of poll workers.

9. CEP's handling of several aspects of the process was widely questioned, including the selection of pollworkers in a manner which violated the electoral law. In the Grand'Anse, electoral and Government officials allowed a political dispute — with intermittent violence — to fester for months, intervening only belatedly and too late to ensure the department's participation on 21 May 2000.

10. The elections of 21 May 2000 went unexpectedly well, with a turnout of over 50 per cent (the highest by far in any election since 1990), little violence and a visible, disciplined police presence throughout the country. The only reported loss of life occurred near the capital, where a man fired at a police officer near a polling station and was shot dead when police returned fire. However, signs of electoral mismanagement abounded: polling stations opened very late in the capital; conflicting instructions were issued about the credentials needed by party poll watchers; and inadequate planning for the receipt of voting urns meant that ballots were mixed up, mislaid or even scattered in the street, rendering any recount impossible.

11. The Groupe de Convergence of six major opposition parties, as well as most others in the opposition, asserted immediately after the 21 May 2000 elections that fraud had been massive and systematic but produced little concrete evidence, arguing that to do so would be futile as it was now evident that Fanmi Lavalas controlled the electoral apparatus. For the same reason, many opposition parties did not monitor the vote count during the days following the polling. The Groupe de Convergence subsequently withdrew from the second round and called for the elections to be annulled.

12. Opposition street protests about the alleged fraud resulted in the death of a local assembly candidate when unidentified assailants broke up his party's demonstration in Port-au-Prince on 22 May 2000. More than 30 opposition candidates and activists were arrested on 23 May 2000 in the provinces. They were detained on the grounds that they had staged violent protests or, in the case of a senatorial candidate and four companions in Les Cayes, because unlicensed firearms were allegedly found in a search of his home. The arrests were widely considered to have been politically inspired, especially as comparable measures had never been taken when Fanmi Lavalas supporters resorted to violence. Concern was expressed by human rights advocates and EOM. Most detainees were held for a few days and then released without charge.

13. The initial evaluation of EOM did not support the opposition's claims of systematic fraud. EOM acknowledged many minor irregularities and a few serious ones, including instances in which armed gunmen stole ballots, but those irregularities were isolated and did not affect the overall credibility of the elections. A similar assessment was issued by the Conseil National d'Observation Electorale (CNO), the umbrella organization of several thousand Haitian electoral observers. Concerns were subsequently raised about possible falsification of vote tallies, vote inflation and tabulation errors.

14. On close examination, it was discovered that the CEP Senate results had not been calculated according to the electoral law. All 17 of the Senate contests held on 21 May 2000 were won in the first round (16 of them by Fanmi Lavalas and one by an independent). If properly calculated, however, a run-off would have been required for eight of those seats, for which no candidate obtained an absolute majority of all votes cast, as required by the electoral law. In the view of EOM, the credibility of the entire electoral process would be jeopardized if that "serious error" were not corrected. CEP and Government officials argued, without substantiation, that the same (wrong) method of calculation had been used in previous elections. Haitian officials strongly rejected suggestions that the results be recalculated, justifying the decision in part because it obviated the need for costly run-offs. Fanmi Lavalas called on its supporters to defend its election

victory, resulting in two days of aggressive demonstrations by several hundred protesters outside embassies and offices of the international community in Port-au-Prince.

15. Calls for a recalculation of the Senate results came from the Friends of the Secretary-General for Haiti, opposition parties and the Haitian electoral observation umbrella organization, CNO, which on 8 June 2000 described the CEP method of calculating victory as "illegal and unacceptable". In a statement issued on 14 June 2000, I expressed my expectation that the electoral authorities would calculate the final results in accordance with the electoral law. Statements were also issued by OAS and the International Organization of la Francophonie, which referred to the "brutal interruption of the electoral process". Meanwhile, the nine-member CEP came under conflicting pressures. Two of the three Espace de Concertation members of CEP resigned. Then, amid signs of hesitation within CEP, Fanmi Lavalas supporters paralysed central Port-au-Prince on 16 June 2000 by burning cars and tires in the streets and stoning moving vehicles with the stated aim of pressing CEP to issue final results. The following day, CEP President Léon Manus fled the country. He subsequently announced that he feared for his safety and had been under pressure, from the Government in particular, to confirm the provisional Senate results and thereby disregard the electoral law.

16. After a weekend free of disturbances, Fanmi Lavalas supporters repeated their protest on 19 June 2000, this time paralysing the entire metropolitan area and provincial highways with barricades of felled trees, rocks and flaming tires. Police rarely intervened. At the end of the day, the six remaining CEP members issued final results for the Senate elections, using the same disputed system of calculation and confirming the first-round victories of the 16 Fanmi Lavalas candidates and one independent. According to CEP's final results for the first round of the Chamber of Deputies elections, in which the percentages appeared to have been calculated correctly, Fanmi Lavalas won about a third of the seats outright and was front-runner in run-offs for most of the other seats. Fanmi Lavalas won most municipal councils overwhelmingly; they were elected by simple plurality. Final results were released before CEP issued its findings on many of the challenges filed.

17. On 28 June 2000, a delegation of the Caribbean Community (CARICOM) arrived in Haiti in an attempt to broker a solution to the political crisis. With the support of the international community in Port-au-Prince, the CARICOM representatives submitted a proposal for resolving the Senate results issue to former President Aristide, who indicated that he would give it consideration. However, the next day President Préval pre-empted that effort by issuing a decree fixing the second round for 9 July 2000. The President and the EOM chief both attended the CARICOM summit in Saint Vincent and the Grenadines from 2 to 5 July 2000, at which CARICOM decided to try to revive its initiative. A CARICOM envoy met again with Mr. Aristide on 5 July 2000.

18. Nonetheless, a second round was held on 9 July 2000, with run-offs being held only for the lower Chamber of Deputies. EOM did not observe the second round on the grounds that the unrevised Senate results could not be the "basis for a credible and fair electoral process". In a statement dated 7 July 2000 announcing that decision, EOM also reported that, since 21 May 2000, the electoral process had become "increasingly flawed by such irregularities as the inaccurate transmission of results, the arbitrary treatment of challenges filed by candidates and political parties, and the irregular conduct of partial elections in some regions". On 6 July 2000, the President of the Security Council issued a statement to the press expressing the Council's concern about the violence and desire that Haitian authorities address electoral irregularities. I subsequently expressed my regret on 10 July 2000 that the second round had been held under these circumstances.

19. The delayed elections in the Grand'Anse on 11 June 2000 were marred by the theft of counted ballots and tally sheets from polling stations in Dame Marie, and the destruction of all the ballots and tallies in an outbreak of violence after the voting in Les Irois, as a result of which polling had to be reheld in those two places. The theft of voting urns from several polling stations also disrupted the polling when it was reheld in Dame Marie on 6 July 2000. In neighbouring Anse d'Hainault, a dispute over a narrow mayoral victory erupted into violence in which 12 people reportedly sustained gunshot wounds and five homes were torched. According to CEP provisional results for Grand'Anse, the department's two Senate seats were

also won in the first round by Fanmi Lavalas, giving it a total of 18 out of 19 Senate seats.

III. Deployment and operations of the International Civilian Support Mission In Haiti

20. The General Assembly will recall that it decided that MICAH would be financed from the regular budget and from voluntary contributions, with regular budgetary resources covering MICAH's core staff and administrative personnel and voluntary contributions covering the substantive positions in the three pillars: justice, human rights and police. On 31 March 2000, I informed the President of the General Assembly that no voluntary contributions had been received for the MICAH Trust Fund, and that MICAH had therefore begun its mandate on 16 March without any of the substantive staff necessary for the implementation of its mandate. Fortunately, sufficient voluntary contributions were subsequently received to allow for recruitment of the justice, human rights and police advisers. The first advisers began to arrive in Haiti in mid-June 2000.

21. Discussions have been held with government authorities and representatives of non-governmental organizations and civil society in order to define the specific activities and responsibilities to be undertaken by the advisers and to clarify the kind of support and assistance they can bring to capacity development and institutional strengthening. Those consulted include the Prime Minister, the Minister of Justice and the Director of the Haitian National Police, as well as officials in the Inspectorate General of the Haitian National Police, the Police Academy, the Prison Authority, the Judges School and the Office of the Ombudsman.

22. Meetings were also held with representatives of bilateral and multilateral international cooperation agencies to establish the type of cooperation that could be developed among the different donors. Special attention was given to coordination with other United Nations agencies in Haiti, especially with UNDP, which is already involved in law enforcement and corrections and has reached agreement with the Ministry of Justice on justice sector support that will focus on the long-term judicial reform process.

IV. Haitian National Police

23. The resignation in April 2000 of the Inspector General, Luc Eucher Joseph, raised new concerns about the politicization of the Haitian National Police (HNP). Mr. Joseph's departure had been among the demands of the Fanmi Lavalas supporters, who held several demonstrations in 1999 to press as well for the removal of the Director General of the police and the Secretary of State for Public Security. Neither the Secretary of State, who resigned in October 1999, nor Mr. Joseph have been replaced. Without adequate leadership at the Inspectorate General, this important body — charged with ensuring ethical and professional standards and investigating allegations of misconduct, corruption and drug-trafficking — has been weakened.

24. Evidence of politicization was seen in the passivity of the police in the face of often violent protests by Fanmi Lavalas supporters at various stages of the electoral process between late March and mid-June 2000, compared with resolute police interventions against opposition protests in late May 2000, which were accompanied by the arrests of a number of political candidates. It was also alleged that certain elements of the police participated in the theft of ballots and the falsification of vote tallies shortly after the close of polls on 21 May 2000, allegations that were supported by the CEP President after fleeing the country.

25. The Haitian National Police for the most part nonetheless demonstrated its capacity to perform its security duties effectively and professionally on the day of the 21 May 2000 elections and again during the delayed elections on 11 June 2000 in Grand'Anse.

26. As the technical assistance that will be provided by the MICAH police pillar is very different from the work of preceding missions, an entirely new framework for its activities has had to be created. The selection and recruitment of police advisers proved time-consuming, but by mid-June 2000, 26 of the projected 34 advisers had been selected and several had begun to arrive in the mission area, where, in close consultation with Haitian police authorities, they were assigned to posts throughout the nine departments.

V. Human rights

27. A judicial order was finally issued committing a number of detained police officers for trial in the case of the alleged summary execution of 11 individuals in the Carrefour-Feuilles district of Port-au-Prince in May 1999. Appeals filed by those accused of participating in the 1994 Raboteau massacre were dismissed by the Supreme Court, thereby allowing trial preparations to begin. In June 2000, Haitian human rights organizations urged a rigorous investigation into the April 2000 murder of journalist Jean Dominique. They also called for implementation of the recommendations of the 1996 report of the National Commission for Truth and Justice. Reports that violence and intimidation during the election campaign had limited freedom of expression were of great concern.

28. At the outset of MICAH, senior staff of the human rights pillar began by meeting with state officials, human rights activists, the Office of the Ombudsman, United Nations agencies, international donors and others. On the basis of those meetings and the track record of MICAH's predecessors, MICIVIH and MIPONUH, pillar members crafted a programme of human rights capacity-building and monitoring to be implemented by its 31 advisers, the first of whom began to arrive in June 2000.

29. Activities likely to have a long-term impact, such as work with human rights trainers, were identified as priorities. Advisers will be assigned to the Police Academy and the Inspectorate General of the Haitian National Police, and training will be provided to prison guard instructors. In one of its first activities, pillar staff participated in early June 2000 in a training session for journalists about the judicial system that was organized by the Judges School.

30. A six-month programme of seminars and other activities is planned to strengthen civil society's capacity to protect and promote human rights, in particular to support the efforts of local human rights organizations to develop their monitoring and reporting expertise. A team of the pillar's advisers will be assigned to carry out this programme after determining its content in close consultation with human rights NGOs. Discussions also began with the Office of the Ombudsman on means to assist its operational planning and the drafting of a law to redefine the Office's mandate.

31. Teams deployed in the capital as well as the interior will develop a programme of monitoring activities to focus on the rights aspects of the ongoing electoral process. Case verification will be conducted, when appropriate, with Haitian monitors, both governmental and non-governmental. A series of promotional activities is envisioned in the context of the International Year of the Culture of Peace.

VI. Justice system

32. During the reporting period, the Ministry of Justice drafted a series of laws to be presented to the next Parliament. They include legislation governing the judiciary, the Judges School, the reform of the Superior Council of the Judiciary and the creation of a Judicial Inspectorate. The proposed legislation reinforces the independence of the judiciary. MICAH's justice pillar has been providing relevant technical assistance to the Ministry of Justice.

33. There was an encouraging increase in the activities of the Judges School, which has an important role in judicial reform. Recent events included a training seminar on forensic medicine, a seminar for journalists and the installation of Haiti's first computerized juridical database, in association with the Supreme Court and the National Library.

34. Informal accords outlining cooperation with the Judges School and the Prison Authority were discussed. Contacts were initiated with the national university about the possibility of undertaking a study of alternative forms of conflict resolution. Pillar staff conducted discussions with bilateral donors and within the United Nations system, UNDP in particular, in order to ensure that justice sector work would be coordinated, complementary and sustainable.

35. Other activities envisaged by the pillar include support for legal aid programmes, drafting a training programme for court clerks, improvement of management techniques in the courts and the administrative section of the Ministry of Justice with a view to computerization, on-the-job training of prison staff and technical assistance for prison clerks.

VII. Development activities

36. The United Nations system has kept up its efforts to implement the Secretary-General's reform programme. The common country assessment that will lay the groundwork for joint programming and programme-cycle harmonization has been finalized. Under the guidance of the common country assessment orientation committee, led jointly by the Prime Minister and the United Nations resident coordinator, 17 thematic groups — formed in October 1999 of representatives from the Government, United Nations agencies, donor agencies and civil society — finalized their sectoral analyses. The process will continue through the United Nations Development Assistance Framework (UNDAF) and within the structure of Economic and Social Council resolution 1999/11, in which the Council called for the formulation of a long-term programme of development for Haiti.

37. The World Bank and the International Monetary Fund have agreed with the Government of Haiti to prepare a poverty reduction strategy paper. An interim strategy paper will be completed during summer 2000; the final version is expected in early 2001.

38. In addition to the intense mobilization of the United Nations country team around the common country assessment process, the agencies have continued to implement programmes within their mandated areas. UNDP provided ongoing technical support to CEP through its team of experts deployed at both the central and departmental levels and to facilitate technical coordination of the electoral process. It also finalized preparations, in collaboration with the Haitian Institute of Statistics and the Norwegian Government, for upcoming surveys on living conditions in urban and rural areas. UNDP, the World Health Organization, the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF) helped prepare the first national plan for risk and disaster prevention and management.

39. In addition to its regular activities, the WFP and Haitian authorities organized a series of round tables aimed at assessing the impact of the drought affecting the North and North-East of the country, and formulated a food security strategy for the most vulnerable groups, while the Food and Agricultural Organization of the United Nations finalized a draft document on agricultural strategies, assessed the legal and technical situation of food control, and promoted cooperation between Haiti and Cuba on food production. The Joint United Nations Programme on HIV/AIDS (UNAIDS) launched a public information campaign on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) in 10 major cities, entitled "Artists and youth caravan against AIDS". UNESCO and UNICEF have been particularly involved in this campaign, which involves well-known local artists and art groups. UNICEF also provided support to the Ministry of Health for an immunization campaign against measles and for a project on the integrated management of childhood illnesses. Concurrently, the United Nations gender thematic group coordinated by UNICEF organized a workshop to prepare the national report on the five-year review of the Fourth World Conference on Women.

VIII. Observations

40. It had been hoped that by holding elections recognized as free, fair and credible both internally and internationally, Haiti would resolve a political crisis which had left the country without a parliament for 18 months and without a constitutionally established government for three years. Unfortunately, events turned out otherwise. But it is nevertheless cause for optimism that some 4 million Haitians chose to acquire voter registration cards, and more than 50 per cent of them chose to vote in the first round, thereby signaling a commitment to democracy, constitutional rule and social change by peaceful means.

41. Despite concerns about security, there was a large turnout for the 21 May 2000 polling and little violence. Yet the electoral process overall unfortunately was marred by a climate of violence and intimidation, poor organization and disregard for the Electoral Law in the calculation of the Senate results. The major opposition parties alleged that there had been massive fraud and refused to participate in any second round. The outcome has been a deepening of the political crisis, increased tension and violence and the possible installation of a Senate which — if the crucial calculation question is not addressed — would cast a shadow over the Parliament's democratic legitimacy and thereby threaten the early resumption of much-needed international financial assistance for the people of Haiti.

42. The initial assessment of the 21 May 2000 elections by the OAS Electoral Observation Mission

and the umbrella body of Haitian observer groups, CNO, does not support the opposition claims of widespread systematic fraud. Yet the decision of the electoral authorities, supported by the Government and the ruling Fanmi Lavalas party, to stand by the erroneous Senate results is cause for serious concern. In so doing, Haitian authorities have flouted the views of OAS, the International Organization of la Francophonie, CARICOM, bilateral partners, domestic electoral monitors and other civil society groupings, as well as the United Nations, in particular the concern of members of the Security Council. Moreover, OAS has described the process since 21 May 2000 as "increasingly flawed by irregularities". On 10 July 2000, I expressed my regret that Haitian authorities had chosen to proceed to hold run-off elections without having resolved outstanding issues related to the first round.

43. There have been other disturbing developments. The rule of law has suffered as a result of the passivity or even complicity of some police and judicial authorities in the face of violent demonstrations by members of so-called popular organizations which targeted opposition parties, journalists and the general population. It is regrettable that political leaders have not consistently and publicly urged their supporters to refrain from such activity. Some have even advocated a violent response to the aggression of the popular organizations, whose actions at times appear to have been orchestrated by a few individuals. The reliance on street violence to impose objectives at every crucial juncture in the political process has set dangerous precedents that bode ill for the future.

44. Developments related to the Haitian National Police are also cause for increasing concern. While the force performed admirably on 21 May 2000, events in the aftermath of the voting suggest a partisan use of HNP and rising politicization. The police failed to step in to stop acts of mob violence, and appear to have lent themselves to a campaign against the opposition in which some 30 activists and candidates were detained. This follows the resignations under pressure of two top HNP leaders, neither of whom has been replaced. All told, those developments suggest that some Haitian political leaders seek to use the police for their own ends. It is self-evident that an independent, rights-respecting police force is indispensable to any democratic society.

45. Elements of a consensual approach to governance had been evident at the start of the reporting period, with parties across the political spectrum poised to participate in the electoral process. The opposition was represented in both the Provisional Electoral Council and the Cabinet. Now, with the opposition's withdrawal from those bodies and the electoral process, there has been further polarization and a growing climate of intolerance. The arrests of a large number of opposition candidates and activists two days after the 21 May 2000 elections was inconsistent with democratic pluralism and cause for concern. A well-functioning multi-party system is another essential element of a democratic society.

46. MICAH's capacity to support Haiti's fledgling democratic institutions risks being jeopardized by the current climate of political turmoil and intolerance, which exposes those institutions to pressures and threats. Strong, independent justice sector institutions are the best guarantors of the rule of law. It is to be hoped that public security and justice officials will make full use of the expertise available within MICAH. As human rights violations continue and the system's capacity to address those violations remains in doubt, I look to the Office of the Ombudsman to take steps to benefit fully from the Mission's verification expertise. The security situation is also of concern, and may place significant constraints on the ability of MICAH's advisers to do their work.

47. The establishment of MICAH confirms the commitment of the international community to accompany Haiti in its efforts to consolidate democracy and the rule of law. Further evidence of that international commitment can be seen in steps to elaborate and implement a long-term programme of support for Haiti, in which, in particular, the Economic and Social Council and UNDP are involved. MICAH's support hinges on the existence of credible interlocutors in Haiti who enjoy the support of their people as well as of the international community.

48. Thanks are due to the Friends of the Secretary General for Haiti, namely, Argentina, Canada, Chile, France, the United States of America and Venezuela. Their support and advice during the transition from MIPONUH/MICIVIH to MICAH was of particular value. I also wish to thank Canada, Norway and the United States for their contributions to the Trust Fund for MICAH, and urge other Member States to express their support for Haiti's democratic transition by

contributing to the Fund. Finally, I would like to acknowledge the efforts of my Representative, Alfredo Lopes Cabral, and the contribution and commitment of MICAH's international and Haitian staff, as they continue to discharge their duties under difficult circumstances.